

California Regional Water Quality Control Board, Colorado River Basin
Prosecution Team Evidence
on the matter of
Administrative Civil Liability Complaint R7-2014-0041
Exhibit 10



California Regional Water Quality Control Board

Colorado River Basin Region



Winston H. Hickox
Secretary for
Environmental
Protection

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January 24, 2002

Stephen Moore
City of Brawley
400 Main Street
Brawley, CA 92227

RE: NOTICE OF NONCOMPLIANCE, CITY OF BRAWLEY WASTEWATER TREATMENT PLANT, VIOLATION OF BOARD ORDER NO. 00-087

The purpose of this letter is to inform you that your facility is in violation of the Waste Discharge Requirements set forth in Board Order No. 00-087. The Regional Board received the November 2001 and December 2001 self-monitoring reports for the City of Brawley Wastewater Treatment Plant on December 14, 2001 and January 15, 2002, respectfully.

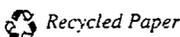
The treatment facility was in violation of Effluent Limitations No. A.5 of Board Order No. 00-087 that states that there shall be no acute toxicity in the treatment plant effluent. Acute toxicity for the Fathead Minnow, or Pimephales promelas, is less than 80% survival when acute toxicity is calculated from the results of the chronic toxicity test. The November 2001 self-monitoring report indicated that the percent survival in 100% effluent for the Fathead Minnow was 0%. The December 2001 self-monitoring report indicated that the percent survival in 100% effluent for the Fathead Minnow was 45%.

It was noted on the November 2001 self-monitoring report cover sheet that toxicity might have resulted from pond turnover due to seasonal temperature changes and from pond disturbances due to construction in the pond system pursuant to the Phase 1 upgrade of the wastewater treatment plant.

The Regional Water Quality Board received your letter dated May 9, 2001 that stated that the City of Brawley WWTP was to conduct a Phase 1 Toxicity Identification Evaluation (TIE) and if necessary a Phase 2 analysis. The letter indicated that if the Phase 1 analysis indicated toxicity and a probable cause a Phase 2 analysis would be implemented. The City of Brawley WWTP conducted the Phase 1 Toxicity Identification Evaluation (TIE) on Pimephales promelas during the spring of 2001. The testing was conducted at AMEC Earth & Environment, Inc. The Regional Board received the results of the Phase 1 TIE on September 28, 2001. AMEC identified ammonia as the primary toxicant responsible for toxicity to Pimephales promelas but also indicated that the concentration of surfactants and trace metals may also contribute to toxicity of both the Pimephales promelas and Ceriodaphnia dubia.

The discharger must take all reasonable steps to control toxicity once the source(s) of the toxicity is (are) identified.

California Environmental Protection Agency



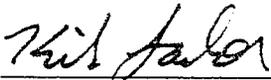
Comp. 35010 ✓
NBC_ACLC_PT#000302 ✓

MR

Please submit a written response by February 22, 2002, indicating the City's plan of action to control toxicity.

Continuing to discharge effluent that exceeds the effluent limitations of Board Order No. 00-087 is a violation of State law and may result in further enforcement actions including the imposition of administrative civil liability claims.

If you have any questions concerning this matter, please contact me at (760) 776-8964.



KIRK LARKIN

Water Resources Control Engineer

KL/kg

File: 7A 13 0100 011, City of Brawley WWTP, Board Order No. 00-087